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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,292	02/12/2001	Gerald Francis McBrearty	AUS9-2000-0750-US1	3291

7590 12/20/2004

International Business Machines Corporation
Intellectual Property Law Department
Internal Zip 4054
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Austin, TX 78758

EXAMINER

ROSWELL, MICHAEL

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 12/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/726,292	MCBREARTY ET AL.	
	Examiner	Art Unit	
	Michael Roswell	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The abstract of the disclosure is objected to because legal phraseology such as "said card", "said user", and "said stored data" are included. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. Correction is required. See MPEP § 608.01(b).

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Oath/Declaration

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the mailing address of each inventor. A mailing address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing address should include the ZIP Code designation. The mailing address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.

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It does not identify the citizenship of each inventor.

It does not identify the city and either state or foreign country of residence of each inventor. The residence information may be provided on either on an application data sheet or supplemental oath or declaration.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10, 13, 17, 20 and 27 recite the limitations "enlarged touch pads" and "enlarged character font". There is insufficient antecedent basis for this limitation in the claim, as the term "enlarged" implies a size previously stated or defined in preceding claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-12, 14-19 and 21-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sone (US Patent 6,826,554) and Haynes (US Patent 5,484,997).

Regarding claims 1, 11, and 18, Sone teaches a means for receiving a withdrawable user card that includes stored data specific to the user of the card (taught as the ability of an RF interrogator unit to accept customer information from a user's RF data card, at col. 3, lines 8-

20). Sone also teaches displaying on a terminal a layout of user interactive graphics personalized to a user, responsive to the data stored on the user's card (taught as customizing parameters such as font size and displayed language, at col. 10, lines 8-21, displayed on the touch sensitive display screen of col. 8, line 55).

However, Sone fails to explicitly teach a user card insertable into the receiving means of a display terminal.

Haynes teaches an identification card with RF downlink capability similar to that of Sone. Furthermore, Haynes teaches the use of "magnetic stripe" cards requiring insertion into a reading device, at col. 1, lines 47-53, and teaches capabilities of RF cards meeting those of magnetic stripe cards, at col. 2, lines 15-21.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Sone and Haynes before him at the time the invention was made to modify the data transmission system of Sone to include the magnetic stripe cards of Haynes, in order to obtain a method for receiving data from a user through a personal card inserted into a receiving means.

One would be motivated to make such a combination for the advantage of non-volatile memory present in magnetic stripes. See Haynes, col. 1, lines 50-51.

Regarding claims 2, 12 and 19, Sone teaches including a user input touch screen having a layout of graphics personalized to the user, taught as customizing parameters such as font size and displayed language, at col. 10, lines 8-21, displayed on the touch sensitive display screen of col. 8, line 55.

Regarding claims 4, 14 and 21, Sone teaches displaying images personalized to a user, taught as the ability of the display screen to show graphic images, at col. 8, lines 51-54, customized to a user, such as different character images, at col. 10, lines 8-17.

Regarding claims 5-6 and 22-23, Sone teaches a smart card that includes integrated circuitry associated with stored user data, at col. 5, lines 60-65 and col. 6, lines 22-25.

Regarding claims 7 and 24, Haynes teaches the use of magnetic stripe cards in automatic teller machines, at col. 6, lines 36-40.

Regarding claims 8-9, 15-16 and 25-26, Sone teaches displaying text personalized to a user in a language personalized to a user, at col. 10, lines 3-17.

Regarding claims 10, 17 and 27, Sone teaches enlarging the character font displayed to a user, as well as enlarging the character font personalized to a user's vision, taught as the use of user profile information such as age to determine the displayed font size, at col. 10, lines 17-21.

Claims 3, 13 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Some, Haynes and Koh et al (US Patent 6,335,725), hereinafter Koh.

Sone and Haynes have been shown to teach a means for receiving a withdrawable user card that includes stored data specific to the user of the card (taught as the ability of an RF interrogator unit to accept customer information from a user's RF data card, at col. 3, lines 8-20 of Sone). Sone also teaches displaying on a terminal a layout of user interactive graphics

personalized to a user, responsive to the data stored on the user's card (taught as customizing parameters such as font size and displayed language, at col. 10, lines 8-21, displayed on the touch sensitive display screen of col. 8, line 55), as well as the use of "magnetic stripe" cards requiring insertion into a reading device, at col. 1, lines 47-53 of Haynes.

However, Sone and Haynes fail to explicitly teach a set of enlarged touch pads in the layout of displayed graphics.

Koh teaches a method for modifying touch screen displays, such as those used by Sone. Furthermore, Koh teaches enlarging touch pads on a display screen, at col. 4, lines 61-64.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Sone, Haynes and Koh before him at the time the invention was made to modify the touch screen displays of Sone and Haynes to include the enlarged buttons of Koh, in order to obtain a touch screen personalized to a user, wherein the touch screen includes enlarged buttons.

One would be motivated to make such a combination for the advantage of easier button activation afforded to a user by larger buttons. See Koh, col. 4, lines 64-67.

Conclusion

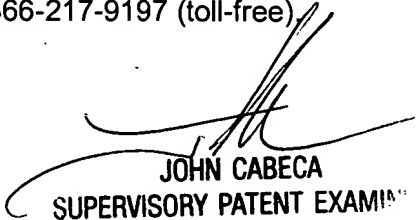
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Roswell whose telephone number is (571) 272-4055. The examiner can normally be reached on 8:30 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Roswell
12/6/2004



JOHN CABECA
SUPERVISORY PATENT EXAMINER
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